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P/4112-43

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Richard L. Bulman, et al.

RECEIVED
DEC 04 2002

Date: November 8, 2002

Serial No.: 10/083,425

OFFICE OF PETITIONS

Group Art Unit:

Filed: February 25, 2002

Examiner:

For: OBJECT CUSTOMIZATION AND PRESENTATION SYSTEM

Assistant Commissioner for Patents
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. §1.47 FOR THE
EXAMINATION OF AN APPLICATION WITH A NON-SIGNING INVENTOR**

Sir:

Inventors Richard L. Bulman and Steve Gravitz hereby petition under 37 C.F.R. §1.47(a) on behalf of themselves and on behalf of inventor Brad Dahl, who refuses to sign the application, that the application be accepted.

Accompanying this petition is a declaration by Brian Dowdall, together with evidence of pertinent facts. Mr. Dowdall is an employee of Personalized On Line Photo, Inc. (POP), the assignee of the present application, and is responsible for maintaining POP's intellectual property. The attached declaration describes the pertinent facts and evidence related to the diligent efforts conducted by the assignee in attempting to have the non-signing inventor join in the application.

The last known address of the non-signing inventor is:

Brad Dahl

430 West 15th Street

Vancouver, British Columbia V6B 2Z6 Canada

Enclosed is a Check No. 11251 for \$1175.00, which includes fees for the late declaration, petition and a five (5) month extension of time. In the event payment of any fee is inadvertently not

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enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

The inventors and/or the assignee, having complied with the requirements of 37 U.S.C. §116, second paragraph, and 37 C.F.R. §1.47(a), hereby respectfully request that this petition be granted.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on November 8, 2002

Brendan J. Kennedy

Name of applicant, assignee or
Registered Representative

Brendan J. Kennedy
Signature

November 8, 2002

Date of Signature

BJK:gl

Respectfully submitted,

Brendan J. Kennedy

Brendan J. Kennedy

Registration No.: 41,890

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**DECLARATION CONCERNING FACTS IN
SUPPORT OF A PETITION UNDER 37 C.F.R. §1.47**

Sir:

I, Brian Dowdall, declare as follows:

1. I am employed as the Chief Financial Officer of Personalized Online Photo, Inc. ("POP"), successor in interest to the assets of Kideo Productions, Inc. ("Kideo").

2. I am generally responsible for the management of intellectual property assets owned by POP. I have been administratively responsible for obtaining inventor's signatures on declaration and assignment documents in connection with patent applications, including the subject patent application.

3. At the time of the invention, which is the subject matter of this application, inventor Brad Dahl was employed as an officer of Kideo. The invention resulted from work performed for Kideo by several inventors, including inventor Brad Dahl, as officers and employees of Kideo. As an officer of Kideo, Mr. Dahl was, and still is, under an obligation to assign all of his rights in the invention to Kideo. Mr. Dahl subsequently left Kideo to pursue other commercial opportunities.

4. On or about June 6, 2001, Mr. Dahl was forwarded a copy of the specification, claims and drawings for this application along with an assignment document and declaration prepared by legal representatives of Kideo. Mr. Dahl did not execute the assignment or declaration.

5. On or about June 13, 2001, all the assets of Kideo were transferred to POP, including the provisional application upon which the present application is based. The agreement transferring the assets is recorded in the United States Patent and Trademark Office, at reel 012607, frame 0734.

6. On February 25, 2002, the present utility application was filed as a conversion of the underlying U.S. Provisional Application. The assignment and declaration executed in the provisional application by the other two joint inventors was referenced in the utility application, and the assignment is recorded in the United States Patent and Trademark Office at reel 012686, frame 0558.


7. Over the course of the next several months, several preliminary amendments were filed by POP to make corrections in the original application papers. Mr. Dahl was contacted several times by telephone to have him execute assignment and declaration documents for the present application including preliminary amendments. Mr. Dahl continued to refuse to execute the assignment and declaration documents.

8. After sending Mr. Dahl a copy of the specification, claims and drawings for the application, including the preliminary amendments, as well as a declaration and assignment, I contacted Mr. Dahl on June 21, 2002 by e-mail to determine his position regarding execution of the assignment and declaration. Mr. Dahl responded by e-mail on July 2, 2002 refusing to sign any documents related to the present application.

9. On October 25, 2002, I again sent a copy of the specification, claims and drawings along with an assignment and declaration for the present application to Mr. Dahl. In the correspondence, I again requested that Mr. Dahl execute the assignment and declaration after he had had a reasonable opportunity to review the application. To date, Mr. Dahl has continued to refuse to execute either the declaration or the assignment for the present application.

I further declare that all statements made here are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration, this application or any patent issuing therefrom.

Dated: November 6, 2002

By: 
Brian Dowdall